

REMARKS

I. Introduction

Claims 34-66 are pending in this application. By this amendment, claims 1-33 have been cancelled and new claims 34-66 have been added. No new matter has been added by this amendment. Favorable and prompt examination on the merits of new claim 34-55 are respectfully requested. .

II. Analysis

A. Outstanding Rejections

The following rejections have been made in the Final Rejection:

- i. Claims 1, 10, 11, 13-16, 24-25, 27-29 stand rejected under 35 U.S.C. § 102(a) as allegedly anticipated by September 1997 Info World article by Tebbe (hereinafter “the Tebbe article”);
- ii. Claims 3, 5 and 18 stand rejected under § 103(a) as allegedly obvious over the Tebbe article;
- iii. Claims 9 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over the Tebbe article in view of the CFO Alert article titled “New Medium Brewing for Syndications,” (hereafter “the CFO Alert article”);
- iv. Claims 12 and 26 stand rejected under 35 U.S.C. as allegedly obvious over the Tebbe article in view of the Corporate EFT Report article titled “Internet Promises Lower Costs Loan Syndications,” (hereafter “the EFT Report article”);

v. Claims 6-8, 20-22 and 30 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over the Tebbe article in view of U.S. Patent 5,940,811 to Norris (hereinafter “the Norris patent”);

vi. Claims 2 and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over the Tebbe article in combination with Official Notice;

vii. Claims 4, 19, 31 and 32 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over the Tebbe article in view of U.S. Patent 6,385,594 to Lebda et al. (hereinafter “the Lebda patent”); and

viii. Claim 33 stands rejected under 35 U.S.C. § 103(a) as allegedly obvious over the Tebbe article in view of the Norris patent and further in view of the Lebda patent.

B. Applicants’ Response

At the outset, Applicants note that the outstanding rejections have been rendered moot by the cancellation of claims 1-33. However, in order to expedite the prosecution of new claims 34-66, Applicants would like to point out several points of distinction between at least newly added independent claims 34, 45, and 56, and the primary reference, the Tebbe article.

The Tebbe article narratively discusses a system for creating loan syndicates over the Internet. As relied upon by the Examiner, the Tebbe articles states:

IntraLinks, a start up company, has announced a new site and service for bank loop syndicators that can create loan syndicates over the Internet. Bank of America used its services to create a loan syndicate of 49 lenders for a \$4 billion line of credit for Compaq... Syndicates require an enormous amount of paperwork, and the Internet can greatly speed up the necessary activities. IntraLinks uses its IntraLoan site to allow authorized participants secure, easy access to all necessary deal documents and exploits the key strengths of the Internet to apply them to an existing process. Two big concerns

are access control and security; the systems lets investors view only deals for which they are authorized, and all documents have digital certificates...

The IntraLinks system exploits the key strengths of the Internet and applies them to an existing process. After posting the necessary documents to the Web site, the offering bank authorizes potential investors to access to the appropriate materials, giving them assigned user IDs. Because no special software is needed, investors use their own browsers and IDs to gain access to the Web site. From there, the investors will see the latest details of the deal as well as its updates. Access control and security are two big concerns for IntraLinks. The system's security allows investors to view only the deals for which they are authorized - curious investors can't just cruise through all pending deals. The service also tracks which investors have accessed what documents and when.

In rejecting claims 1, 10-11, 13-16, 24, 25 and 27-29, the Examiner alleged that the above high-level discussion of the InterLinks system anticipated each of these claims. Although claims 1-33 are no longer pending, Applicants note that the Tebbe article, as well as other articles describing the InterLinks system, fail to teach each and every claim element of the newly added claims explicitly or inherently. Moreover, Applicants submit that the differences between subject matter of new claims 34-55 and the references or record would not have been obvious to a person of ordinary skill in the art given the limited description provided by these references.

For example, regarding new claim 34, the Tebbe article fails to explicitly or impliedly disclose a syndicated loan management system comprising, *inter alia*, the specific claim elements of: **A)** a borrower interface, **B)** a borrower management module, **C)** an investor interface, **D)** an investor management module, **E)** a transaction management module, **F)** a loan management module, **G)** a report module, and **H)** a syndicate manager interface, as recited in new claim 34.

Similarly, regarding new claim 45, the Tebbe article fails to explicitly or impliedly disclose a computer readable storage medium storing computer readable instructions therein, said

instructions causing a processor to execute a program for a syndicated loan management system, comprising the specific claim elements of: **A)** instructions for creating a network accessible borrower interface to the loan management system, **B)** instructions for creating a borrower management module, **C)** instructions for creating an investor interface, **D)** instructions for creating an investor management module, **E)** instructions for creating a transaction management module, **F)** instructions for creating a loan management module comprising a syndicate loan sub-module and a facility management sub-module, **G)** instructions for creating a report module in communication with the loan management module, the transaction management module, the borrower management module and the investor management module; and **H)** instructions for creating a syndicate manager interface, as recited in new claim 45.

Also, regarding claim 56, the Tebbe article fails to explicitly or impliedly disclose a loan management system comprising the specific claims elements of: **A)** a first dataset containing lender data, said lender data being related to a plurality of lenders; **B)** a second dataset containing borrower data, said borrower data being related to at least one borrower; **C)** a third dataset containing loan resource data, said loan resource data being related to a plurality of loan resources; **D)** a processing engine coupled to said first, second and third datasets, said processing engine operable to access said first, second and third datasets, and operable to manipulate said lender data, said borrower data and said loan resource data contained in said first, second and third datasets; **E)** a user interface coupled to said processing engine; and **F)** a set of funds transfer instructions for each of said plurality of lenders, each of said funds transfer instructions having a status indicative of whether said funds transfer instructions are at least pending or approved, wherein said processing engine is operable to process an instruction from a representative of a lender to modify said status for respective funds transfer instructions to

pending thereby enabling approval of said funds transfer instructions, and said representative is a first representative, and wherein said processing engine is operable to process an instruction from a second representative to change said status from pending to approved, and a user provides instructions to said processing engine through said user interface, said instructions causing said processing engine to access said datasets and process loan information related to a loan syndicate, said loan information comprising said lender data, said resource data and said borrower data

As captioned above, the Tebbe article merely describes the Internet-based InterLinks service for bank loan syndicators. The only reference to structure in this article states, “IntraLoan, the Lotus Notes/Domino-based Web site run by IntraLinks, allows authorized participants easy and secure access to the necessary deal documents.” This brief description does not anticipate or render obvious each of the recited claims limitations in claims 34, 45 or 56.

In addition to the above-noted distinctions between independent claims 34, 45 and 56 and the Tebbe article, Applicants respectfully submit that dependent claims 35-44 and 46-55 are also patentable over the references of record.

For example, as recited in claims 40 and 51, contrary to the Examiner’s assertion in the final rejection, the specific element of a contact list including contacts for the plurality of lenders and for the at least one borrower is not disclosed in the Tebbe article. The Examiner appears to be asserting that this feature is inherent because the Tebbe article mentions security. Applicants disagree with this assertion.

As another example, as recited in claims 42-44 and 53-55, contrary to the Examiner’s assertion in the final rejection, the specific claim element stipulating that the processing engine is

operable to generate messages to at least one of the plurality of lenders, the at least one borrower and the at least one contact related to the plurality of loan resources, is not taught in the Tebbe article. The portion of the Tebbe article relied upon by the Examiner to reject these claim features merely refers to allowing authorized participants access. It does not discuss the system sending messages. Additionally, the Tebbe articles does not disclose that messages must be approved and released by a user having approval and release authorization. The only “levels” of authorization discussed in the Tebbe article refers to persons only having access to documents pertaining to their deal — not to different levels within a deal.

In yet another example, as recited in claims 38 and 49, the Tebbe articles fails to teach an agent fee calculation module operable to calculate an agent fee, and said agent fee related to at least one of transactions for and amounts of said loan resources. The Examiner acknowledges that the Tebbe article does not mention a fee calculation module. The Examiner relies upon the CFO Alert article to teach this feature. However, this article merely mentions that “IntraLinks charges a fee according to the size and complexity of the deal.” This language does not explain how (*i.e.*, by what means) the fee is calculated. In claims 38 and 49 it is done with a fee calculation module operable to calculate the fee. There is no suggestion or disclosure of such a module in the CFO Alert article.

In still a further example, as recited in claims 41 and 52, the Tebbe articles does not recite an external data system coupled to the processing engine, wherein the user can provide instructions to the processing engine through the user interface to access the external data system, and access to the external data system can be used to compare the loan information with external data, and import and export data. The Examiner admits that this feature is not taught in the Tebbe article. The Examiner relies on the EFT Report article to teach this feature. In

relevant portion, this article states that “Using a standard web browser, authorized lenders can log onto the IntraLinks web site, access the relevant loan documents, cut and paste from them for internal memoranda...” Nowhere in this portion of the article is there mention of providing instructions to access an external data system that can be used to compare the loan information with external data or to import data. Rather, this discussion is limited to viewing the data with a web browser interface and cutting and pasting data out of the system into other application documents.

In yet an additional example, as recited in claims 37 and 48, the Tebbe article fails to disclose the claim feature of a set of funds transfer instructions for each of the plurality of lenders, each of the funds transfer instructions having a status indicative of whether the funds transfer instructions are at least pending or approved. The Examiner acknowledges that these claim features are not taught by the Tebbe article. The Examiner relies on the Norris patent to teach these features. However, the Norris patent describes a kiosk terminal that allows users to apply for a loan and, if approved, to specify account information so that the loaned funds may be electronically transferred into the user’s account from a lender. Nowhere in the portion of the patent relied upon by the Examiner is there discussion of: 1) a set of funds transfer instructions for each of a plurality of lenders, where each of the funds transfer instructions have a status indicative of whether the funds transfer instructions are at least pending or approved.

There are numerous other examples of features in claims 34-66 that are neither disclosed nor suggested in the references of record and for which the Examiner has failed to make out a prima facie case of obviousness against.

III. Conclusion

Applicants submit that new claims 34-55 define patentable subject matter. Prompt and favorable examination on the merits are earnestly solicited. Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

While it is believed that no additional fees are due with this response, in the event that any additional fees are deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS

Dated: June 20, 2007

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